

November 2, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice
WT Docket No. 05-265

Dear Ms Dortch:

On November 1, 2010, Thomas Sugrue, Kathleen Ham, Luisa Lancetti, and Josh Roland of T-Mobile USA, Inc. ("T-Mobile") and the undersigned met with Austin Schlick, Julie Veach, David Horowitz, and Chris Killion, of the Office of General Counsel, and Nese Guendelsberger and Peter Trachtenberg of the Wireless Telecommunications Bureau regarding the above-captioned proceeding. T-Mobile's presentation is summarized in the attached slide deck, which we provided to the Commission participants in the meeting.

We also made several additional points. Importantly, as further evidence of the need for a data roaming rule, we noted that T-Mobile has not been able to achieve a 3G roaming agreement with AT&T. We contrasted that state of affairs with AT&T's apparent willingness to provide 3G roaming to foreign carriers. Also, in response to a question from Commission staff, we agreed that a host carrier should be able to undertake reasonable network management practices in order to address congestion on the host carrier's network attributable to roaming traffic. We pointed out that T-Mobile's existing roaming agreements include a provision giving the host carrier the ability to suspend roaming service if roaming becomes impracticable for reasons such as system overload, system outage, or other operational or technical issues. We cautioned, however, that if the Commission were to recognize a host carrier's right to suspend or manage roaming traffic to limit congestion, it must also make clear that the host carrier may not insist on suspension or management rights that have the intent or effect of undermining or frustrating its obligation to provide roaming on just and reasonable terms and conditions.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter and attachment is being filed electronically with the Office of the Secretary for inclusion in the above-referenced docket and served electronically on the Commission participants in the meeting.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON

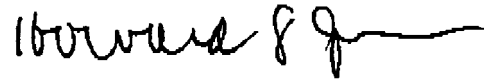
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

November 2, 2010

Page 2

Please direct any questions regarding this filing to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

Attachment

cc: Austin Schlick
Julie Veach
David Horowitz
Chris Killion
Nese Guendelsberger
Peter Trachtenberg